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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,813	03/24/2004	Thomas S. Krol	IME-104C	4380

7590 03/24/2005

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EXAMINER

PHAN, JOSEPH T

ART UNIT PAPER NUMBER

2645

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,813

Applicant(s)

KROL ET AL.

Examiner

Joseph T Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lines 2-3 recites "...one touch dialing feature, for hands-free activation and dialing..." and claim 11 lines 1 and 5-6 recites "A hands free, speech activated system....in a one touch dialing feature..."

The terms "one touch" and "hands-free" are contradictory because 'touching' to program or dial a number utilizes the 'hands' and which makes the claims indefinite because the claim is unclear. Appropriate clarification or correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 rejected under 35 U.S.C. 102(b) as being anticipated by Barkat, Patent #5,805,672.

Regarding claim 1, Barkat teaches a speech activated, speech operated, device for attachment(Fig.1) to an existing landline telephone which has a one touch

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dialing feature, for hands-free activation and dialing(12 Fig.1; *phone 12 is a landline telephone*), which comprises:

(a) a main housing, containing:

a telephone control circuit for analog input to a telephone to induce dialing of a telephone number which has been stored in a one touch dialing feature of said telephone, an encoder circuit connected to said telephone control circuit for sending signals thereto and connected to a speech recognition module for receiving signals therefrom(Fig.2 and col.4 lines 20-62) ;

a speech recognition module connected to said encoder circuit and to a microphone and speaker for receiving speech inputs and transmitting audio information outputs, respectively, said speech recognition module having a speech recognition capability for hands free activation of said system, and having a speech recognition capability for hands free operation of said system(17 and 30 Fig.2 and col.3 lines 26-51);

(b) a power source connection connected to at least one of said telephone control circuit, said encoder circuit and said speech recognition module for powering said device(26 Fig.1 and col.3 lines 13-20),

(c) telephone connecting means connected to said telephone control circuit for connection to a telephone(Fig.1);

wherein a first user not requiring speech activated, speech operated functionality may assist in training said system by combination manual and speech operation to recognize a start word and other key words to access phone numbers stored in a landline telephone for subsequent access and for key word inputs for subsequent activation of

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various functions, and a second user requiring total hands free speech activated and speech operated may utilize the system touch free for both activated and operated thereof(col.5 lines 6-30).

Regarding claim 2, Barkat teaches the device of claim 1 wherein said speech recognition module includes both visible and audible feedback hardware and software(Fig.1).

Regarding claim 3, Barkat teaches the device of claim 1 wherein said power source connection is a plug, wire and transformer for connection to a conventional electrical outlet and for conversion of alternating current to direct current(26 Fig.1 and col.3 lines 13-20).

Regarding claim 4, Barkat teaches the device of claim 1 wherein said device further includes at least one battery connected to said power source connection(Fig.1)

Regarding claim 5, Barkat teaches the device of claim 1 wherein said device further includes an optional rechargeable backup battery and charger circuit(Fig.1; *phone has an is an optional rechargeable backup battery*).

Regarding claim 6, Barkat teaches the device of claim 1 wherein said telephone connecting means includes speech activated connections for a plurality of one touch dialing buttons of a landline telephone having a once touch dialing feature(12 Fig.1).

Regarding claim 7, Barkat teaches the device of claim 6 wherein said telephone connecting means also includes speech activated connections for a plurality of button-activated features different from one touch dialing, for voice activated initiation of said button-activated features(col.4 lines 31-42).

Regarding claim 8, Barkat teaches the device of claim 6 wherein said plurality of connections includes speech activated connections for at least ten different one touch dialing buttons(Fig.1 and col.4 lines 25-42).

Regarding claim 9, Barkat teaches the device of claim 1 wherein said device further includes training instructions for a user, said training instructions including audible word outputs(col.4 lines 55-67).

Regarding claim 10, Barkat teaches the device of claim 9 wherein said device further includes a training button for initiating said training instructions(col.4 lines 55-67).

Regarding claim 11, Barkat teaches a hands free, speech activated, speech operated automatic dialing telephone system(Fig.1), which comprises
(a) a main housing, containing:
a telephone control circuit for analog input to a telephone to induce dialing of a telephone number which has been stored in a one touch dialing feature of said telephone;
an encoder circuit connected to said telephone control circuit for sending signals thereto and connected to a speech recognition module for receiving signals therefrom(Fig.2 and col.4 lines 20-62);
a speech recognition module connected to said encoder circuit and to a microphone and speaker for receiving speech inputs and transmitting audio information outputs, respectively, said speech recognition module having a speech recognition capability for hands free activation of said system, and having a speech recognition capability for

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hands free operation of said system(17 and 30 Fig.2 and col.3 lines 26-51);

(b) a power source connection connected to at least one of said

telephone control circuit, said encoder circuit and said speech

recognition module for powering said device(26 Fig.1 and col.3 lines 13-20),,

(c) telephone connecting means connected to said telephone

control circuit for connection to a telephone(Fig.1), and,

(d) a landline telephone having a one touch dialing feature which

is functionally connected to said telephone control circuit(phone 12 of Fig.1 is a landline telephone);

wherein a first user not requiring speech activated, speech

operated functionality may assist in training said system by combination

manual and speech operation to recognize a start word and other key

words to access phone numbers stored in a landline telephone for

subsequent access and for key word inputs for subsequent activation of

various functions, and a second user requiring total hands free speech

activated and speech operated may utilize the system touch free for both

activated and operated thereof(col.5 lines 6-30).

Regarding claim 12, Barkat teaches the device of claim 11 wherein said speech recognition module includes both visible and audible feedback hardware and software(Fig.1).

Regarding claim 13, Barkat teaches the device of claim 11 wherein said power source connection is a plug, wire and transformer for connection to a conventional

electrical outlet and for conversion of alternating current to direct current(26 Fig.1 and col.3 lines 13-20).

Regarding claim 14, Barkat teaches the device of claim 11 wherein said device further includes at least one battery connected to said power source connection(Fig.1).

Regarding claim 15, Barkat teaches the device of claim 11 wherein said device further includes an optional rechargeable backup battery and charger circuit(*Fig. 1; phone has an is an optional rechargeable backup battery*).

Regarding claim 16, Barkat teaches the device of claim 11 wherein said telephone connecting means includes speech activated connections for a plurality of one touch dialing buttons of a landline telephone having a once touch dialing feature(12 Fig.1).

Regarding claim 17, Barkat teaches the device of claim 16 wherein said telephone connecting means also includes speech activated connections for a plurality of button-activated features different from one touch dialing, for voice activated initiation of said button-activated features(col.4 lines 31-42).

Regarding claim 18, Barkat teaches the device of claim 16 wherein said plurality of connections includes speech activated connections for at least ten different one touch dialing buttons(Fig.1 and col.4 lines 25-42).

Regarding claim 19, Barkat teaches the device of claim 11 wherein said device further includes training instructions for a user, said training instructions including audible word output(col.4 lines 55-67).

Regarding claim 20, Barkat teaches the device of claim 19 wherein said device

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further includes a training button for initiating said training instructions(col.4 lines 55-67).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
March 15, 2005



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